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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 12-00817 SBA (DMR)
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER TO CONTINUE HEARING DATE
vs.	)	TO APRIL 21, 2014 AND TO EXCLUDE
	)	TIME UNDER THE SPEEDY TRIAL ACT
	)	
LONNIE GUIDTRY,	)	Hearing Date: April 8, 2014
	)	Time: 9:30 a.m.
Defendant.	)	
	)	<b><u>The Honorable Donna M. Ryu</u></b>

The above-captioned matter is set on April 8, 2014 before this Honorable Court for a status hearing. The parties jointly request that the Court continue this matter to April 21, 2014, at 9:30 a.m., before the sitting United States Magistrate Court, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between April 8, 2014 and April 21, 2014, so that the defense can have additional time to research and to investigate this case.

On November 15, 2012, the Grand Jury charged defendant in one count as a felon in possession of a firearm, a violation of 18 U.S.C. § 922(g). Mr. Guidtry faces a maximum sentence of 10 years for this offense. On January 23, 2014, Mr. Guidtry made an initial

1 appearance and was arraigned on the Indictment. On January 28, 2014, the magistrate court  
2 ordered Mr. Guidtry detained pending trial.

3 The defense requests that the Court continue this matter to give defense counsel  
4 additional time to review the discovery, to meet with Mr. Guidtry and to investigate the case to  
5 determine whether there is a sufficient legal and factual basis to present the district court with a  
6 motion to suppress. The defense also needs additional time to collect prior conviction and parole  
7 records and to research and assess the Guidelines applicable to this case. For these reasons, the  
8 defense requests additional time to prepare, and the parties agree that it is appropriate to continue  
9 this case until April 21, 2014.

10 The parties stipulate and agree that the ends of justice served by this continuance  
11 outweigh the best interest of the public and the defendant in a speedy trial. The parties further  
12 agree that the failure to grant this continuance would unreasonably deny counsel for defendant  
13 the reasonable time necessary for effective preparation, taking into account the exercise of due  
14 diligence.

15 Accordingly, the parties agree that the period of time from April 8, 2014 until April 21,  
16 2014, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
17 §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into account  
18 the exercise of due diligence.

19  
20 DATED: April 4, 2014

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/S/  
BRIAN LEWIS  
Assistant United States Attorney

21  
22 DATED: April 4, 2014

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/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds:

1. Given that defense counsel needs additional time to research and to assess a possible motion in this case;
2. Given that the defense needs additional time to research and to investigate defendant's Guidelines calculation;
3. Given that these above-listed tasks are necessary for the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial;

Based on these findings, it is hereby ordered that the status hearing date of April 8, 2014, scheduled at 9:30 a.m., is vacated and reset for April 21, 2014, at 9:30 a.m., before the sitting United States Magistrate Court for a status hearing. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from April 8, 2014 until April 21, 2014.

DATED: 4/4/14

  
THE HONORABLE DONNA M. RYU  
United States Magistrate Judge